



## Mauritania

### Country Reports on Human Rights Practices - [2003](#)

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Mauritania is a highly centralized Islamic republic dominated by a strong presidency. The Constitution provides for a civilian government composed of a dominant executive branch, a senate, and a national assembly. President Maaouiya Ould Sid'Ahmed Taya, head of the ruling Republican Social Democrat (PRDS) party, has governed since 1984, first as head of a military junta and since 1992 as head of an elected civilian government. Taya was reelected President with more than 67 percent of the vote on November 7. Opposition candidates alleged widespread fraud but did not choose to contest the election's results via available legal channels. The leading opposition candidate, Mohamed Haidallah, was arrested the day before the election, released, and re-arrested the day after the election, and several political parties remained banned during the year. The Constitution provides for an independent judiciary; however, the judiciary was subject to significant pressure from the executive through the latter's ability to appoint and pressure judges.

The Ministry of Defense directs the armed forces and Gendarmerie; the Ministry of Interior directs the National Guard and police. The armed forces are responsible for national defense. The National Guard performs police functions throughout the country in areas in which city police are not present. The Gendarmerie is a specialized paramilitary group responsible for maintenance of civil order in and outside metropolitan areas. The civilian authorities maintained effective control of the security forces, although a coup attempt involving some units of the armed forces occurred in June. Some members of the security forces committed human rights abuses.

The country had an estimated population of 2.9 million and had a market-oriented economy. Drought, desertification, and insect infestation have contributed to rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt. The Government implemented social programs slowly, but worked actively through the Commission on Human Rights, the Fight Against Poverty, and Integration to improve access to education and health care. The concentration of much of the country's wealth in the hands of a small elite, including the President's tribe and related Moor tribes, as well as a lack of transparency and accountability in certain areas of governance, impeded economic growth. The country received foreign assistance from bilateral and multilateral sources.

The Government's human rights record remained poor; although there were some improvements in several areas, serious problems remained. Democratic institutions remained rudimentary, and the Government circumscribed citizens' ability to change their government. There were three reported unlawful killings by security forces. Unlike in previous year, there were fewer reports that police used undue force in controlling crowds or demonstrations. Some members of the security forces reportedly used excessive force, beat, or otherwise abused detainees, and used arbitrary arrest and detention and illegal searches. The Government took action against some members of security forces who committed abuses; however, impunity remained a problem. Prison conditions were harsh. Lengthy pretrial detentions continued; however, the length of pretrial detentions grew shorter due to the increased number of general and specialized courts. The Government continued its program of judicial reform and training. At times, the Government restricted freedom of speech, the press, and assembly. The Government limited freedoms of association and religion. The Government continued to refuse to officially recognize some nongovernmental organizations (NGOs) and human rights organizations. Discrimination against women continued. Female genital mutilation (FGM) remained a serious problem, despite some government efforts to halt the practice. Ethnic tensions continued, and the largely southern-based ethnic groups remained underrepresented in political life, and some of their members felt excluded from effective political representation. Despite government efforts to eradicate the practice, local and international reports continued that slavery in the form of involuntary servitude persisted. In addition, former slaves or descendents of slaves continued to work voluntarily for former masters or others in highly dependent relationships that constituted extreme servitude. Child labor in the informal sector was common. The Government passed a law during the year that imposed substantial criminal penalties for trafficking in persons.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom From:

## a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, there were three unconfirmed reports of arbitrary or unlawful deprivation of life committed by the Government. On February 12, Taleb Boubacar, a Black Moor, drowned on Nouakchott Beach under mysterious circumstances following an argument with several young men who had informed the local police of the argument. The report implicated the police in the drowning. According to a second unconfirmed report, on August 17, police at a Nouakchott checkpoint beat and killed Amadou Kane, a 17-year-old Afro-Mauritanian. On September 9, two policemen reportedly stopped a teenager at a checkpoint in Kaedi and allegedly killed him. An investigation was ongoing at year's end.

## b. Disappearance

There were no reports of politically motivated disappearances.

## c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were reports that police beat criminal suspects in custody.

Several allegations of torture remained unconfirmed.

Lawyers and family members of 129 soldiers detained in connection with the June 8 coup attempt alleged that security forces tortured the detainees (see Section 1.d.). Human Rights Watch (HRW) sent a letter of concern to the Government on the lack of access it had provided to these detained officers. The Government refuted these accusations in a press conference and later provided limited media access to three of the detainees. Neither media nor detainees provided any conclusive evidence of torture.

During the year, there was no further action regarding the alleged torture in 2002 of Mohamed Baba Ould Said and Ould Sidi Yaaraf.

Prison conditions remained harsh, although human rights activists reported that prison administration continued to show improvement. In some prisons, serious overcrowding persisted, and sanitation facilities remained inadequate and reportedly contributed to diseases such as tuberculosis, diarrhea, and dermatological ailments. Medical supplies, mainly provided by an international NGO, remained insufficient in all prisons. Prisoners with high-level government connections and with families to bring them food, medicines, and reading material fared better than the less privileged or citizens from other countries. Budget allocations to improve food and nutrition, medical services and supplies, and bedding and cleaning supplies were not sufficient. According to an international NGO, the Government made some material improvements to prison conditions by providing an onsite doctor and nurses in the Nouakchott prison, as well as donating food, bedding, medicines, and clothing to the prison in May. Guard force management enforced regulations against beatings and torture; however, there continued to be credible reports of beatings of detainees at the Commissariat outside the Nouakchott prison. The overall prison capacity was 700, and the prison population was 1,185 in September. The prison population in Nouakchott was 367 persons. There were 340 men, 10 women, and 17 minors; minors were held in separate facilities.

Female prisoners have separate facilities with female guards and a communal garden. Children of female prisoners remained with their mothers, or the Ministry of Justice gave temporary custody of the children to another family member. The Noura Foundation, an NGO working in the prison, provided education and microenterprise projects to the female prisoners. UNICEF, in collaboration with the French organization CARITAS, provided services, including training and sports in the juvenile detention centers. Pretrial detainees were frequently held with convicted prisoners, as a result of crowding problems in the prisons.

The Government permitted prison visits by NGOs, diplomats, and international human rights observers. Foreign diplomats visited some prisons during the year. The International Committee of the Red Cross (ICRC) had access to prisons but did not conduct prison visits during the year.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, there were frequent reports that the police arbitrarily arrested and detained citizens. Nevertheless, human rights activists reported that police showed increased respect for legally mandated procedures.

The police, who are under the control of the Ministry of the Interior, lacked equipment and training, which often weakened police attempts to enforce the law. Corruption was believed to be endemic at all levels of the police. Police generally acted with impunity. The Government often did not hold security officials accountable or prosecute security officials for abuses.

The application of constitutional safeguards continued to vary widely from case to case. The law requires that courts review the legality of a person's detention within 48 hours of arrest. The police may extend the period for another 48 hours, and a prosecutor or court can detain persons for up to 30 days in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney. There is a provision for granting bail, but it was rarely used.

The 129 detainees in connection with the June coup attempt were not allowed contact with lawyers or with their families during the first 3 months of their detention, according to family members. These detainees were still in prison at year's end. Opposition presidential candidate Mohamed Haidallah and 15 of his supporters, arrested in early November on national security grounds, were not allowed contact with lawyers, family, or outside medical support for almost a month following their arrest.

The Government arrested several Islamists during the year.

On November 6, police detained leading presidential opposition candidate Mohamed Haidallah and several of his campaign staff. Haidallah was released for election day (November 7) and re-arrested the following day. He and 15 of his supporters stood trial in December on national-security related charges. After a short trial, most of these men, including Haidallah, received minor fines and suspended prison sentences of 2 to 5 years.

Popular Front (FP) party leader, Mohamed Lemine Ch'bih Ould Cheikh Malainine, and two of his associates were released from prison on August 30.

An estimated 10 to 15 percent of those in prison had not yet been tried or were awaiting sentencing following their trials. Some indicted detainees were released before trial without explanation.

There is no provision in the law regarding exile. The Government continued to welcome the return of any citizens who had been expelled or who had fled from 1989-91.

#### e. Denial of Fair Public Trial

The Constitution provides for the independence of the judiciary; however, in practice the executive branch exercised significant influence over the judiciary through its ability to appoint and pressure judges. In addition, poorly educated and poorly trained judges who were susceptible to social, financial, and tribal pressures limited the judicial system's fairness.

There is a single system of courts with a modernized legal system that conformed with the principles of Islamic law (Shari'a). Departmental, regional, and labor tribunals are the courts of first instance at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, heard civil cases involving sums less than \$39 (10,000 ouguiya) and family issues, such as domestic, divorce, and inheritance cases. A total of 13 regional tribunals accepted appeals in commercial and civil matters from the departmental tribunals and heard misdemeanors. At the middle level, three courts of appeal, each with three chambers (civil and commercial chambers and a mixed chamber,) heard appeals from the regional courts and have original jurisdiction for felonies.

The Supreme Court nominally was independent and was headed by a magistrate appointed to a 5-year term by the President. The Supreme Court reviewed decisions and rulings made by the courts of appeal to determine their compliance with the law and procedure. Constitutional review was within the purview of a six-member Constitutional Council, composed of three members named by the President, two by the National Assembly

president, and one by the Senate president. The Supreme Council of Magistrates, over which the President presided, undertook annual review of judicial decisions; the president and senior vice president of the Supreme Court, the Minister of Justice, three magistrates, and representatives from the Senate and National Assembly were members of this council. The annual review was intended to determine whether courts applied the law correctly and followed proper procedures. Reviews also served as a basis for evaluating the reform process and reassigning judges based on their qualifications.

The Constitution provides for due process and the presumption of innocence until proven guilty by an established tribunal. All defendants, regardless of the court or their ability to pay, have the legal right to representation by counsel during the proceedings, which were open to the public. If defendants lack the ability to pay for counsel, the court appointed an attorney from a list prepared by the National Order of Lawyers, which provided a defense free of charge. The law provides that defendants may confront witnesses, present evidence, and appeal their sentences, and these rights generally were observed in practice.

Shari'a provides the legal principles upon which the law and legal procedure are based, and courts did not treat women as the equals of men in all cases (see Section 5).

The minimum age for children to be tried was 12. Those between the ages of 12 and 18 were tried and sentenced to the juvenile detention center. There was a special court to hear the cases of children under the age of 18. Children who appeared before the court received more lenient sentences than adults, and extenuating circumstances received greater consideration in juvenile cases.

With international assistance, the Government continued a program to improve judicial performance and independence by organizing all laws and statutes into a single reference text and training officials throughout the justice system. Separate tribunals for specific types of disputes held court sessions more frequently. In July and August, several Islamic magistrates participated in a training program abroad that emphasized exposure to international legal concepts, including foundations of business law and property law.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires judicial warrants in order to execute home searches; however, the authorities reportedly often ignored this requirement.

Multiple reports, on November 6, indicated that authorities who entered and searched the homes of Mohamed Haidallah and several members of his campaign did so without a warrant.

Government surveillance of dissidents and the political opposition was believed to continue; however, the extent to which the Government used informants was unknown.

There were a number of reports that some government officials misappropriated land under the land reform system, confiscating the land of southern ethnic groups or the land traditionally held by Black Moors and distributing it to their friends and family.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government continued to restrict these rights through prepublication press censorship by the Interior Ministry. In a few cases, media groups were repeatedly closed, refused access to public forums, or censored for criticizing the Government.

All newspapers must register with the Ministry of the Interior. More than 300 journals and newspapers were registered with the Ministry; more than 200 of these did not publish regularly, including some that never have published an edition. Two daily newspapers, Horizons and Chaab, were government owned. There were approximately 25 privately owned newspapers that published on a regular basis. These journals were weeklies and reached limited audiences, printing at most 3,000 copies of any 1 edition. NGOs and the privately owned press openly criticized the Government and its leaders. Anti-government tracts, newsletters, and petitions circulated widely in Nouakchott and other towns. Newspapers, journals, and privately published books were exempt from all taxes on materials used to produce them.

Radio was the most important medium in reaching the public, and the official media strongly supported government policies. All broadcast media (radio and television) were government owned and operated. The Government continued to deny, or simply not respond to, private applications to establish domestic radio stations.

In January, the Government arrested two journalists on charges of conspiring with Libya against the regime. The Government dropped all charges and released the journalists after 2 weeks. Later in the year, the Government detained two other journalists for several hours. Both journalists had written articles criticizing government officials.

The Press Law requires publishers to submit copies of newspapers to the Ministries of Interior and Justice before distributing them. The Ministry of the Interior reviewed all newspaper copy prior to publication and usually authorized sales and distribution within 2 to 3 days. However, the Press Law provides that the Minister of the Interior can stop publication of material that discredits Islam or threatens national security. The Ministry censored 15 weekly editions of various independent newspapers. In addition, the Ministry of the Interior banned the sale of an issue of Paris-edited *Afrique Education* in November.

The Government closed one Arab-language private newspaper, *Ar-Raya*, as a result of its links with Islamist political leader Jemil Mansour. The newspaper remained closed at year's end.

In 2002, the Government restored the Middle East Information Agency representative's accreditation, which it had suspended in 2000.

During the November presidential election campaign, the Government provided all candidates with equal access to the country's single television channel and to radio stations. The Government allowed citizens to hear and read criticism of the Government through all media sources. Opposition parties' access to government radio and television broadcast facilities at other times was extremely limited.

Using satellite receivers and dish antennas, citizens could receive worldwide television broadcasts.

There were three domestic Internet service providers, which operated without governmental restrictions. Internet connections existed in Nouadhibou, the major commercial center, and 10 other regional capitals. Some private newspapers also maintained websites, which the Government did not censor.

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government sometimes restricted this right in practice.

Three times during the year, including during the presidential elections in early November, police disrupted some demonstrations, often with the use of tear gas, and caused minor injuries.

The law requires that all recognized political parties and NGOs apply to the local prefect for permission to hold large meetings or assemblies. In March and April, the Government temporarily banned all public demonstrations and refused to grant permits to demonstrators in response to widespread demonstrations on the situation in the Middle East. In October, the Government prohibited a self-described Independent Election Observatory from holding a press conference in a Nouakchott hotel. Following the elections in November and early December, the Government did not respond to some requests for permits.

The Constitution provides for freedom of association; however, the Government limited this right in practice, and circumscribed the efforts of some groups by denying them official recognition. All political parties must register with the Ministry of the Interior. At least 15 organized political parties and a wide array of NGOs, many of them highly critical of the Government, functioned openly, issued public statements, and chose their own leadership; however, the Government banned or refused to authorize several parties. The Government did not recognize any new NGOs or associations during the year; however, there were more than 600 such organizations in the country. The Government has not yet granted some NGOs official standing but did not prevent them from functioning (see Section 4).

The Government continued to ban the political parties Action for Change (AC), Union of Democratic Forces-New Era, An-Nouhoud, and Taliaa (Vanguard), and the Government's prohibition against forming the Convention for

Change party remained in force.

c. Freedom of Religion

The Constitution establishes the country as an Islamic republic and decrees that Islam is the religion of its citizens and the State; the Government limited freedom of religion. However, Christians in the foreign community and the few Christian citizens practiced their religion openly and freely. On June 30, the Government passed a law allowing only Malekite (traditional Mauritanian) Islam, and prohibiting political activity of any kind, in mosques.

The Government did not register religious groups; however, NGOs had to register with the Ministry of the Interior (see Section 2.b.); this included humanitarian and development NGOs affiliated with religious groups.

Although there is no specific legal prohibition against proselytizing by non-Muslims, in practice the Government prohibited proselytizing by non-Muslims through the use of the Press Act, which bans the publication of any material that is against Islam or contradicts or otherwise threatens Islam. However, there were no reports that the Government punished persons for violating this provision during the year. The Government views any attempts by Christians to convert Muslims as undermining society; however, the Government also restricted suspected Islamic extremists. There were no known non-Muslim groups engaging in proselytizing, and foreign Christian NGOs limited their activities to humanitarian and development assistance.

Under the Press Act, the Government may restrict the importation, printing, or public distribution of Bibles or other non-Islamic religious literature, and in practice Bibles were neither printed nor publicly sold in the country. However, the possession of Bibles and other Christian religious materials in private homes was not illegal, and Bibles and other religious publications were available among the small Christian community.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice; however, in some regions, persons lacking identity cards could not travel freely. The Government set up roadblocks where gendarmerie, police, or customs officials checked the papers of travelers and often demanded bribes; however, during the year, the Government generally maintained fewer roadblocks and reduced the time taken in questioning and conducting vehicle searches. There were fewer reports of more stringent searches in the southern border areas. However, the number of roadblocks around Nouakchott and certain southeastern regions increased for several weeks following the June 8 coup attempt.

The U.N. High Commissioner for Refugees (UNHCR) estimated that there were between 15,000 and 20,000 refugees from the 1989-91 crisis remaining in Senegal, although refugees have continued to return independently in small numbers and have benefited from small-scale agroforestry, health, and sanitation projects continued by NGOs and humanitarian workers. Cooperation by local authorities in addressing restitution and citizenship matters varied greatly, depending on individual officials and the returnee's region. Many returnees received their original homes, some property, and all or a portion of their land (see Section 1.f.). Throughout the Chemama or the Senegal River Valley region, returnee communities were reestablishing their agricultural production; however, recovery of land titles remained the primary issue. Timely restoration of identity papers varied, and some of those who returned in 1995 have not yet received identification cards. In some regions, persons lacking identity cards could not travel freely.

The law does not provide for the granting of asylum or refugee status to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

The Government provided temporary protection to refugees from neighboring countries including Liberia, Sierra Leone, Senegal, Cote d'Ivoire, Mali, Western Sahara, and Guinea-Bissau. The Government also accepted the UNHCR's registration of approximately 200 asylum seekers, mostly from Sierra Leone and Liberia.

The country hosted more than 50,000 nationals of other West African countries who sought refuge and employment, primarily in Nouakchott and Nouadhibou. An estimated 60 percent of the country's small craft

fishermen were Senegalese.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government; however, this right was circumscribed in practice.

Although civilians occupied all ministerial-level positions, some members of the Military Council that ruled from 1984 to 1992, in addition to President Taya, remained in positions of power within the executive branch, the National Assembly, the armed forces, and government-owned enterprises.

On June 8 and 9, the country experienced a coup attempt. The nine leaders were current or former army officers. The leaders of this group remained at large and formed a group known as the "Knights of Change" that continued to advocate the overthrow of the Taya Government.

President Taya won the November elections with 67 percent of the vote amid widespread reports of fraud, particularly in the southern part of the country. The Government did not invite international and local diplomatic observers to observe the voting process, although it did permit one international organization to visit the country to observe the election.

Opposition candidates alleged that the Government conducted a fraudulent election, but chose not to contest the election's results via available legal channels. Opposition members justified this decision by alleging that Haidallah's imprisonment immediately following the elections prevented him from taking any legal action.

HRW reported that the Government harassed opposition figures during the year. This harassment occurred at the local level, and typically took the form of local Government officials refusing to meet with opposition leaders. The Government arrested the leading opposition presidential candidate for reasons of national security a few days before the election (see Section 1.d.).

The indirect balloting of municipal councils every 2 years elects One-third of the Senate; the latest elections were held in 2002 for 19 of the 56 seats. The elections were generally well organized; however, international observers noted that government manipulation weakened the chances for opposition candidates. Six opposition parties ran candidates, and no parties boycotted the 2002 elections. For the first time, an opposition Rally for Democracy candidate was elected to the Senate. In addition, two women were also elected to the Senate.

In the 2001 legislative and municipal elections, 15 opposition parties presented candidates for election. The Government introduced a hard-to-falsify voter identification card, revised and published all voter registration lists, used transparent ballot boxes, and allowed full access for a representative of each party to observe the entire voting process, including ballot counting, in every precinct. Foreign diplomats and local observers noted that the elections generally were fair and transparent with some irregularities, such as voters casting ballots at two different polling stations in a small number of precincts. Except during the election campaign, the Government denied the political opposition full access to government media. The FP party, which opposes diplomatic relations with Israel, gained one seat in the legislative elections, and eight municipal council seats either outright or in coalition with other parties.

The country is divided into 13 provinces, including the capital district of Nouakchott; each province is divided into prefectures. The Government appointed the Walis (governors) and Hakems (prefects). Municipal councils were elected by general ballot, and they elected their mayors, usually the lead candidate of the majority party's list. Most government services were provided by the central Government. The elected councils were responsible for some public services such as sanitation and had fiscal autonomy and taxing authority. Their administrative staff was independent of the Government. The councils elected the national Senate.

Women have the right to vote and formed the majority of registered voters in the November elections. Women occupied some senior government positions: Five cabinet-level posts including the Minister of Public Records, two Secretaries of State (Women's Affairs and State Registries,) the deputy director of the President's Cabinet, and the President's Minister-Counselor.

Women were well represented in the Secretariat of Women's Affairs, including a number from minority ethnic groups. There were 3 women in the 81-seat National Assembly and 3 women in the 56-seat Senate. Two of the 14 members of the Executive Bureau of the ruling PRDS were women, and a woman headed the UDP party, a part of

the ruling coalition. Aicha Mint Jeddane registered in the presidential elections during the year as the country's first female presidential candidate. Her campaign platform focused on promoting women's issues.

Minorities such as the Black Moors, Halpulaars, Soninkes, and Wolofs were underrepresented in senior government positions. However, Sghair Ould M'Bareck was appointed as the country's first Black Moor Prime Minister on July 6 and reappointed in mid-November, and the first Black Moor woman to occupy a ministerial level position was appointed Minister of Public Records on November 13. Of the Government's 21 ministerial posts, 2 incumbents were Black Moor, 3 were Halpulaar, and 2 were Soninke; the remaining 14 were of either White Moor or mixed White Moor/Black Moor ethnicity (see Section 5). The full 27-member Cabinet, including secretaries of state, had 3 Black Moors, 3 Halpulaars, and 1 Soninke. The 56-member Senate had 3 Black Moors, 4 Halpulaars, 3 Soninkes, and the remaining 46 were of either White Moor or mixed White Moor/Black Moor heritage. The 81-member National Assembly had 9 Black Moors, 8 Halpulaars, 2 Soninkes, and 2 Wolof.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

There were three organizations concerned with overall human rights issues. The oldest is the Mauritanian League for Human Rights (LMDH), an independent, government-recognized body. A second organization, the Mauritanian Association for Human Rights (AMDH), was still unrecognized (see Section 2.b.). While not affiliated with the opposition, the AMDH had many opposition members, and the AMDH was more critical of the Government than the LMDH, particularly on the unresolved abuses of the 1989-91 period. The International Study and Research Group on Democracy and Economic and Social Development in Africa (GERDDES-Africa) is not officially recognized. The Government has not responded to the applications of these organizations on the grounds that they were ethnically based organizations that were divisive and in violation of the law; however, the unrecognized organizations continued to carry out their activities unimpeded.

Many of the other organizations, including 14 unregistered associations, also addressed human rights issues such as slavery, refugees, and the 1989 expellees. The only international association concerned with human rights to visit the country during the year was the ICRC, which made routine annual visits.

HRW reported that the Government had restricted legitimate NGOs' ability to function freely. The Government did not officially recognize a number of NGOs, and denied these NGOs the ability to deal with government officials, as well as the ability to request government assistance.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equality before the law for all citizens, regardless of race, national origin, sex, or social status, and prohibits racial or ethnic propaganda. In practice, the Government often favored individuals on the basis of ethnic and tribal affiliation, social status, and political ties. Societal discrimination against women, strongly rooted in traditional society, was endemic, although the situation continued to improve. There was no evidence of systematic discrimination by either society or the Government against persons with HIV/AIDS; however, taboos and beliefs associated with the disease caused victims in some areas to face isolation or exclusion.

##### Women

Abuse and domestic violence are illegal, and human rights monitors and female lawyers reported that domestic violence was rare, particularly among the Moor population. The police and judiciary occasionally intervened in domestic abuse cases, but women in traditional society rarely sought legal redress, relying instead upon family and ethnic group members to resolve domestic disputes. Rape, including spousal rape, is illegal, but there were no known convictions under this law. In one case, the alleged victim was a foreign national, and the perpetrators were arrested. According to some NGO reporting, the incidence of unreported rape was high.

Prostitution is illegal; however, NGO reporting indicated that it was a growing problem in some urban areas, particularly among Afro-Mauritanian and Black Moor women.



Traditional forms of mistreatment of women continued, mostly in isolated rural communities, but these practices appeared to be on the decline. One form of such mistreatment was the forced feeding of adolescent girls (gavage) prior to marriage, which was practiced only among the Moors. While there was no law prohibiting gavage, the Government made it a policy to end the practice. Experts had previously estimated that between 60 and 70 percent of women experienced gavage but concluded that very few Moor women were subjected to gavage.

FGM was practiced among all ethnic groups. It was performed most often on young girls, often on the 7th day after birth and almost always before the age of 6 months. According to an internationally sponsored study in 2001, three-fourths of all women between the ages of 15 and 49 have been subjected to FGM. Local experts agreed that the least severe form of excision was practiced, and not infibulation, the most severe form of FGM. The practice of FGM has decreased in the modern urban sector.

The Government and international NGOs developed a series of coordinated anti-FGM efforts. These efforts focused on eradicating the practice in hospitals, discouraging midwives from practicing FGM, and educating populations in some areas on the issue. The High Islamic Council of Mauritania, the Islamic Scholar Association, and the National Forum for Women's Rights launched a campaign that explained the serious health risks of FGM and emphasized that FGM was not a religious requirement. The Government continued intensive media and educational campaigns against FGM during the year. In addition to these activities, it was the clear policy of the Government to end FGM. Government hospitals and licensed medical practitioners were barred from performing FGM, and several government agencies worked to prevent others from carrying on this practice. According to several women's rights experts, the campaign against FGM appeared to be changing attitudes towards the practice.

Women have legal rights to property and child custody, and, among the more modern and urbanized population, these rights were recognized. By local tradition, a woman's first marriage, but not subsequent marriages, requires parental consent. In accordance with Shari'a as applied in the country, marriage and divorce do not require the woman's consent, polygyny is allowed, and a woman does not have the right to refuse her husband's wish to marry additional wives. In practice, polygyny was very rare among Moors but was common among other ethnic groups. Arranged marriages also were increasingly rare, particularly among the Moor population. Women frequently initiated the termination of a marriage, which most often was done by repudiation of husband or wife rather than divorce. It was also common in Moor society for a woman to obtain, at the time of marriage, a contractual agreement that stipulated that her husband must agree to end their marriage if he chose an additional wife. The reported rate of divorce among Moors was 37 percent, with a remarriage rate of 72.5 percent.

Women still faced legal discrimination. The testimony of two women was necessary to equal that of one man. The courts grant only half the amount of an indemnity to the family of a woman who has been killed than they award for a man's death. The Personal Status Code provides a framework to regularize the prevailing Shari'a-based family law, which without defining legislation had been applied unfairly. For example, formulas applied to property distribution varied widely from case to case. In addition, the validity of and right to establish prenuptial agreements was not always respected. However, women did not face legal discrimination in areas not addressed specifically by Shari'a. The law provides that men and women receive equal pay for equal work. While not applied universally in practice, the two largest employers, the civil service and the state mining company, observed this law. In the modern wage sector, women also received family benefits, including 3 months of maternity leave.

The Government sought to open new employment opportunities for women in areas that were traditionally filled by men, such as health care, communications, police, and customs services. Women became more involved in the fishing industry and established several women's fishing cooperatives.

The Secretariat for Women's Affairs worked with many NGOs and cooperatives to improve the status of women. The Government, women's groups, and national and international NGOs organized meetings, seminars, and workshops throughout the year to publicize women's rights.

#### Children

The law makes special provision for the protection of children's welfare, and the Government had programs to care for abandoned children; however, inadequate funding hampered these programs. Education received the largest share of the national budget at 18.9 percent. The Government relied on foreign donors in such areas as child immunization.

The Government required attendance at school for 6 years, but full implementation of universal primary education was not scheduled to be completed until at least 2007, primarily because the Government lacked the financial

resources to provide educational facilities and teachers throughout the country, especially in remote areas. There was a moderate increase in attendance from 2001, in which the school enrollment rate was 90 percent. Classes were fully integrated, including boys and girls from all social and ethnic groups. Children of slave families were allowed to attend school. There were no legal restrictions on the education of girls. Girls constituted 48.8 percent of all children enrolled in school in 1998. An estimated 90 percent of school-age girls attended elementary school in 1998 and 1999, compared with 88 percent for boys. At the secondary level, female students constituted 44 percent of those enrolled. Despite these increases, enrollment in the eastern part of the country, the Brakna, and along the Senegal River remained at a lower level. Female students made up 22.3 percent of the university's enrollment during the academic year. Female students also constituted 30.5 percent of students enrolled in technical schools. The literacy rate for women was 32 percent, compared with 50 percent for men. Almost all children, regardless of sex or ethnic group, attended Koranic school between the ages of 5 and 7 and gained at least rudimentary skills in reading and writing Arabic.

FGM was usually performed on young girls (see Section 5, Women).

Local NGOs estimated that there were more than 300 street children, largely as a result of poverty and of the urbanization of formerly nomadic families; however, the Government implemented a program to assist families with street children and to encourage their school attendance.

#### Persons with Disabilities

The law does not provide specifically for persons with disabilities. The Government does not mandate preference in employment or education or public accessibility for persons with disabilities; however, it did provide some rehabilitation and other assistance for persons with disabilities. NGOs have become increasingly active in raising public awareness of issues affecting persons with disabilities. The school for the deaf and the blind in Nouakchott operated 6 classrooms and enrolled 67 students during the year; however, the school lacked sufficient trained staff. There was no societal discrimination against persons with disabilities.

#### National/Racial/Ethnic Minorities

Ethnic minorities faced societal discrimination. Ethnic and cultural tension and discrimination arose from the geographic and cultural line between traditionally nomadic Arabic-speaking (Hassaniya) Moor herders and Peuhl herders of the Halpulaar group in the north and center, and sedentary cultivators of the Halpulaar (Toucouleur), Soninke, and Wolof ethnic groups in the south. Although culturally homogeneous, the Moors were divided among numerous ethno-linguistic clan groups and were distinguished racially as Beydane and Black Moor, or White Moors and Black Moors, although it often was difficult to distinguish between the two groups by skin color. "White" Moors, large numbers of whom were dark-skinned after centuries of intermarriage with members of sub-Saharan African groups, dominated positions in government and business. The Black Moors have remained politically weak and disorganized; poverty, migrations, and isolation of their communities have prevented the Black Moors from realizing the political power inherent in their numbers. The Halpulaar (the largest non-Moor group), the Wolof, and the Soninke ethnic groups were concentrated in the south and were underrepresented in the military and security sectors.

The land reform law was to provide land for rural landless persons, including White and Black Moor victims of desertification in the northern and central regions and for returning southerners who had been expelled from 1989 to 1991. The reform aimed to increase the amount of land under cultivation by leasing uncultivated land to those with the means to cultivate it. However, there may have been a net redistribution of land from southerners and Black Moors to White Moors under that program, since the south has been affected less by desertification than the more northerly regions historically inhabited by the Moors. Anecdotal evidence suggested that no more than 20 percent of the intended groups--landless persons and victims of desertification--have received land, and that much of the uncultivated land may have been redirected to wealthy White Moors.

The Constitution designates Arabic as the official language and Arabic, Pulaar, Soninke, and Wolof as the country's national languages; however, successive governments--both civil and military--have pursued various policies of "Arabization" in the schools and in the workplace.

Ethnic rivalry significantly contributed to political divisions and tensions. Some political parties tended to have readily identifiable ethnic bases, although political coalitions among them were increasingly important.

#### Section 6 Worker Rights

#### a. The Right of Association

The Constitution provides for freedom of association and the right of citizens to join any labor organization, and workers exercised this right in practice. All workers except members of the military and police were free to associate in and establish unions at the local and national levels. However, the Government has the power to decide whether to recognize a trade union (see Section 6.b.). The majority of the labor force was in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent were employed in the wage sector. However, nearly 90 percent of industrial and commercial workers were organized.

The Labor Code does not restrict trade union pluralism, and there were four labor confederations: The Union of Mauritanian Workers (UTM), the General Confederation of Mauritanian Workers (CGTM), the Free Confederation of Mauritanian Workers (CLTM), and the General Union of Mauritanian Workers (UGTM). The UGTM, founded in 2002, was the most closely allied with the ruling PRDS. Many workers still viewed UTM, the oldest confederation, as also closely allied with the Government and the ruling PRDS; however, it has lost members to the CGTM and the CLTM. The CGTM was not affiliated with any party, although most of its members tend to favor the opposition. The CLTM was associated with the AC opposition party. The Government provided funds to the confederations in proportion to their memberships. All confederations supplied representatives to the country's four labor tribunals and were included in most government deliberative or consultative bodies. The national federations continued to organize training workshops for their memberships throughout the country.

Several independent trade unions, in particular three for teachers at the elementary, secondary, and university levels, were also active. There also were four unaffiliated professionally based labor unions.

Laws provide workers with protection against anti-union discrimination, and employees or employers may bring labor disputes to three-person labor tribunals administered jointly by the Ministries of Justice and Labor with the participation of union and employer representatives.

Unions were free to affiliate internationally, and international trade union activity continued. The UTM participated in regional labor organizations. The CGTM and UTM were both members of the International Confederation of Free Trade Unions. The UTM was a member of the Organization of African Trade Union Unity (OATUU), but the CGTM's application was not accepted, as the OATUU only accepts one member federation from each country.

#### b. The Right to Organize and Bargain Collectively

The law provides that unions may organize workers freely without government or employer interference, although to be legally recognized a union is required to have the authorization of the Public Prosecutor who can provisionally suspend a trade union at the request of the Ministry of the Interior if it believes that the union has not complied with the law. General or sector agreements on wages, working conditions, and social and medical benefits were negotiated in tripartite discussion and formalized by government decree. Wages and other benefits could also be negotiated bilaterally between employer and union, and the results of such negotiations were filed with the Directorate of Labor. Although the Directorate has the ability to change the negotiated settlement between labor and business, there were no known cases of such action during the year.

The law provides workers with the right to strike. However, strikes in the private sector have to be preceded by submission of a non-conciliation or negotiation-breakdown report. Once a referral is made to arbitrate a dispute, the tripartite arbitration committee may automatically terminate any strike. Some trade union representatives stated that there was little social dialogue except in response to worker actions in a dispute.

Two strikes occurred during the year. In February, dockworkers struck for several weeks for higher wages. The workers received a slight wage increase; however, some of the leaders were allegedly fired soon after. In October, persons employed by a Tunisian subcontractor to build the Nouakchott-Nouadhibou road went on strike, protesting poor working conditions including unpaid overtime, lack of medical care, and poor food and housing in a desert environment. The strike was eventually resolved in favor of the workers' claims.

The Government can dissolve a union for what it considered an "illegal" or "politically motivated" strike; however, no unions were disbanded during the year.

The International Labor Organization (ILO) Committee of Experts noted that compulsory arbitration effectively prohibited strikes and asked the Government to bring its legislation into compliance with the requirements of ILO Convention 87 on freedom of association; however, there was no government action by year's end.

Three labor tribunals, composed of a president and two assessors (one who represented labor and one who represented employers), served as final arbiters for labor disputes.

There are no export processing zones.

#### c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, the law only applies to the relations between employers and workers, and there were credible reports such practices occurred. Slavery is illegal and was abolished by law in 1981; however, there were still areas where the attitude of master and slave prevailed.

The ILO Committee of Experts has requested that the Government take measures to extend the prohibition to any form of forced labor and vestiges of slavery. Amnesty International criticized the Government for not taking further steps to ensure the abolishment of forced labor.

Citizens continued to suffer from the country's heritage of slavery.

Slavery has been officially abolished; however, the practice of chattel slavery was once a tradition.

Numerous reports suggested that some members of the long-dominant White Moor community may continue to expect or desire the servitude of Black Moors and southern ethnic groups. These reports also suggested that such attitudes impeded efforts to eliminate the vestiges and consequences of slavery, goals to which both the Government and major opposition parties were committed. Slavery-related practices persisted most strongly in the east and southeast, where education levels were generally lower and there was a greater need for manual labor in work such as herding livestock and tending fields.

There was not a system of officially sanctioned slavery in which government and society joined to force individuals to serve masters. However, there continued to be unconfirmed reports that slavery in the form of forced and involuntary servitude persisted in some areas. Voluntary servitude also persisted, with some former slaves and descendents of slaves continuing to work for former masters in exchange for money, lodging, food, or medical care. The reasons for the persistence of such practices varied widely among the different ethnic groups; however, poverty, persistent drought, and a weak economy provided few economic alternatives for many and left some former slaves and descendents of slaves vulnerable to exploitation by former masters. There were reports that some former slaves in some sedentary communities continued to work for their former masters or others without remuneration to retain access to land they traditionally farmed. Although the law provides for distribution of land to the landless, including to former slaves, this law has been enforced in only a few cases (see Section 5). Deeply embedded psychological and tribal bonds also made it difficult for many individuals who had generations of forebears who were slaves to break their bonds with former masters or their tribes. Some persons continued to link themselves to former masters because they believed their slave status had been religiously ordained and feared religious sanction if that bond were broken.

Adult females with children faced greater difficulties and could be compelled to remain in a condition of servitude.

Problems related to the vestiges and consequences of slavery usually entered the public domain in judicial cases, most often in the form of child custody and inheritance disputes between former masters and former slaves or their descendants. In most cases involving custody disputes between former masters and former female slaves, the Minister of Justice encouraged the courts to rule in favor of the women, and virtually all custody cases that have been tried were decided in favor of the women; however, court adjudication of such cases has been rare. The determination of such cases was problematic because there were polygyny, "secret" marriages, no written records, and divorce by repudiation (see Section 5). There were no reported cases during the year.

The Commissariat for Human Rights, Poverty Alleviation, and Integration focused on addressing the vestiges and consequences of slavery. The Government focused on education, literacy, and agrarian reform to eradicate the vestiges of slavery and address its consequences. However, the Government's record in cases in which an individual's civil rights were violated because of status as a former slave was poor. When complaints were filed with the Government that involved the detention of individuals against their will, the Government intervened in accordance with the law, although sometimes only after considerable pressure and time.

#### d. Status of Child Labor Practices and Minimum Age for Employment

Child labor in some parts of the informal sector was common and a significant problem, particularly within poorer inner-city areas. The law provides that children cannot be employed before the age of 14 in the nonagricultural sector or under age 13 in the agricultural sector unless the Minister of Labor grants an exception due to local circumstances. The law states that employed children between the ages of 14 and 16 should receive 70 percent of the minimum wage, and that those between the ages of 17 and 18 should receive 90 percent of the minimum wage. Young children in the countryside were commonly employed in herding, cultivation, fishing, and other significant labor in support of their families' activities. Young children in urban areas often drove donkey carts and delivered water and building materials. In keeping with longstanding tradition, many children served apprenticeships in small industries and in the informal sector. There was no child labor in the modern industrial sector.

The Government had a functional labor inspectorate with the authority to refer violations directly to the appropriate judicial authorities; however, the Government lacked sufficient resources to enforce existing child labor laws.

#### e. Acceptable Conditions of Work

The minimum monthly wage for adults remained \$38.71 (9,872 ouguiya). The national minimum monthly wage did not provide a decent standard of living for a worker and family.

The standard, legal, nonagricultural workweek could not exceed either 40 hours or 6 days without overtime compensation, which was paid at rates that were graduated according to the number of supplemental hours worked. Domestic workers and certain other categories could work 56 hours per week. The Labor Directorate of the Ministry of Labor is responsible for enforcement of the labor laws, but in practice inadequate funding limited the effectiveness of the Directorate's enforcement.

The Ministry of Labor also is responsible for enforcing safety standards but did so inconsistently, due to inadequate funding. In principle, workers could remove themselves from hazardous conditions without risking loss of employment; however, in practice they could not.

The law protects legal but not illegal foreign workers, and foreign workers could join unions.

#### f. Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country. A law enacted on July 24 added substantial penalties, including fines and hard labor, for those found guilty of trafficking in persons. The Government had not initiated any legal action by year's end under this new law.